UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,132	02/26/2002	Stephen W. Hoxie	WRAIR99-54 04	5384

27370   7590   07/05/2006

OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND
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EXAMINER
TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/082,132	HOXIE ET AL.
	Examiner	Art Unit	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 June 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20 and 28-42</u> is/are pending in the application.

4a) Of the above claim(s) <u>10-20 and 36-40</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9,28-35,41 and 42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ~~1/27/2003~~.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1.   This communication is in response to the response to the Restriction

Requirement/Election Requirement filed 5/4/2006. Claims 1-20 and 28-42 are pending.

Claims 4 and 10 have been amended. Claims 21-27 have been cancelled. Claims 36-

42 are newly added. Claims 1-9, 28-35, and 41-42 have been elected. The IDS

statements filed 5/23/2002, 6/4/2002, 6/27/2002 and 2/27/2003 have been entered and

considered.

Election/Restrictions

2.   Claims 10-14, 15-20 and 36-40 are withdrawn from further consideration

pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no

allowable generic or linking claim. Election was made **without** traverse in the reply filed

on 6/5/2006.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-2, 4, 8-9, and 41-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rockwell (www.rli.com; hereinafter Rockwell), in view of Lavin et al.

(5,772,585; hereinafter Lavin).

(A)   As per claim 1, Rockwell discloses a computer-readable medium containing a

data structure for storing laser accident and incident information comprising:

(1)   an incident table containing an entry for each of a plurality of incidents,

each entry carrying an identification (Rockwell: pg. 5); and

(2)   a laser table containing at least one entry for at least one entry in said

incident table linked by said identification, said laser table containing a

laser identification (Rockwell: pg. 6).

Rockwell, however, fails to expressly disclose a computer-readable medium containing a data structure for storing laser accident and incident information comprising:

(3)   a clinical evaluation table containing at least one entry for each entry in said incident table linked by said identification, said clinical evaluation table containing clinical evaluation information.

Nevertheless, these features are old and well known in the art, as evidenced by Lavin. In particular, Lavin discloses a computer-readable medium containing a data structure for storing laser accident and incident information comprising:

(3)   a clinical evaluation table containing at least one entry for each entry in said incident table linked by said identification, said clinical evaluation table containing clinical evaluation information (Lavin: abstract; col. 1, line 65-col. 3, line 12; Fig. 13-19).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Lavin with the teachings of Rockwell with the motivation of providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

(B)   As per claim 2, Rockwell fails to expressly disclose the data structure according

to claim 1, wherein said clinical evaluation table contains a clinical identification for each

entry, said data structure further comprising:

      (1)   an examination table containing at least one entry that corresponds to at

          least one entry in said clinical evaluation table linked by the clinical

          identification, said examination table containing evaluation information and

          an examination identification.

Nevertheless, these features are old and well known in the art, as evidenced by

Lavin. In particular, Lavin discloses the data structure according to claim 1, wherein

said clinical evaluation table contains a clinical identification for each entry (Lavin:

abstract; col. 1, line 65-col. 3, line 12; Fig. 13-19), said data structure further comprising:

      (1)   an examination table containing at least one entry that corresponds to at

          least one entry in said clinical evaluation table linked by the clinical

          identification, said examination table containing evaluation information and

          an examination identification (Lavin: abstract; col. 1, line 65-col. 3, line 12;

          Fig. 13-24).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Lavin with the teachings of Rockwell with the motivation of providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

(C)   As per claim 4, Rockwell discloses the data structure according to claim 1, further comprising a bibliography table containing a corresponding entry for each entry in said incident table linked by said identification, said bibliography table containing bibliographic information for the incident corresponding to said identification (Rockwell: pg. 3).

(D)   As per claim 8, Rockwell discloses a computer-readable medium containing a data structure for injury information comprising:

    (1)   an injury table containing an entry for each of a plurality of injuries, each entry having an identification (Rockwell: pg. 6); and

    (2)   a cause table containing a corresponding entry for each entry in said injury table linked by said identification, said cause table containing a description of how the injury occurred (Rockwell: pg. 6).

Rockwell, however, fails to expressly disclose a computer-readable medium containing a data structure for injury information comprising:

(3)   a clinical evaluation table containing at least one entry for each entry in said injury table linked by said identification, said clinical evaluation table containing medical information.

Nevertheless, these features are old and well known in the art, as evidenced by Lavin. In particular, Lavin discloses a computer-readable medium containing a data structure for injury information comprising:

(3)   a clinical evaluation table containing at least one entry for each entry in said injury table linked by said identification, said clinical evaluation table containing medical information (Lavin: abstract; col. 1, line 65-col. 3, line 12; Fig. 13-19).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Lavin with the teachings of Rockwell with the motivation of providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

(E)   As per claim 9, Rockwell discloses the data structure according to claim 8, further comprising a source table containing a corresponding entry for each entry in said injury table linked by said identification, said source table containing information relating to the source of the information (Rockwell: pg. 3).

(F)   Claim 41 substantially repeats the same limitations as those in claim 1 and therefore, is rejected for substantially the same reasons given for claim 1 and incorporated herein.

(G)   As per claim 42, Rockwell discloses the data structure according to claim 41, wherein said incident table includes a summary section and an exposure section (Rockwell: pg. 6).

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell and Lavin, as applied to claim 1 above, and further in view of Joao (6,283,761; Joao).

(A)   As per claim 3, Rockwell fails to expressly disclose the data structure according to claim 2, further comprising:

  (1)   an images table containing at least one entry that corresponds to at least one entry in said examination table linked by the examination identification, said images table containing data to form digital representations of the injury occurring from the incident; and

  (2)   an examination type table containing at least one entry that corresponds to at least one entry in said examination table linked by the examination

identification, said examination type table containing an identification of an examination given to an injured subject.

Nevertheless, these features are old and well known in the art, as evidenced by Lavin and Joao. In particular, Lavin and Joao disclose the data structure according to claim 2, further comprising:

(1)   an images table containing at least one entry that corresponds to at least one entry in said examination table linked by the examination identification, said images table containing data to form digital representations of the injury occurring from the incident (Joao: abstract; col. 7, lines 49-61; col. 16, line 66-col. 17, line 12); and

(2)   an examination type table containing at least one entry that corresponds to at least one entry in said examination table linked by the examination identification, said examination type table containing an identification of an examination given to an injured subject (Lavin: abstract; col. 1, line 65-col. 3, line 12; Fig. 13-24).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Lavin with the combined teachings of Rockwell and Joao with the motivation of providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the combined teachings of Rockwell and Lavin with the motivation of processing medical information (Joao: col. 7, lines 62-65).

6.   Claims 5-6, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell and Lavin, as applied to claims 1 and 28 above, and further in view of Official Notice.

(A)   As per claim 5, Rockwell fails to expressly disclose the computer-readable medium according to claim 1, wherein the computer-readable medium is a carrier wave.

Nevertheless, Official Notice is taken that the technique of using carrier waves as computer-readable mediums to transmit information is old and well known. Using modulated radio signals is an example of this technique and was old and well known at the time of the present invention.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine this technique with the combined teachings of Rockwell and Lavin with the motivation of facilitating the transmission of information.

(B)   As per claim 6, Rockwell discloses a system comprising:

(1)   means for storing a database of incidents (Rockwell: pg. 3); and

(2)   means for displaying information queried from said storing means by said
        query means (Rockwell: pg. 6).

Rockwell, however, fails to *expressly* disclose a system comprising:

(3)   means for querying information from said storing means.

Nevertheless, these features are old and well known, as evidenced by Lavin. In
particular, Lavin discloses a system comprising:

(3)   means for querying information from said storing means (Lavin: col. 14,
        lines 36-47).

One of ordinary skill would have found it obvious at the time of the invention to
combine the teachings of Lavin with the teachings of Rockwell with the motivation of
providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

Examiner has also taken Official Notice of the techniques of storing information in
a database, querying databases, displaying database information, recalling queries,
query definitions, and storing query definitions, among other techniques claimed by
Applicant, are all notoriously well known techniques within the computer arts, as are the
various technologies claimed by Applicant including the means for performing the

aforementioned techniques, browsers, servers, databases, SQL, memories, query

buttons, query engines, websites/web pages, interface engines, controllers, clients,

icons, icon libraries, templates, and networks. These techniques and technologies were

widely used and well known at the time of Applicant's invention. For example, Microsoft

Access®, Microsoft Explorer®, Google®, and Yahoo®, are all examples of applications

that incorporate these techniques and technologies.

As such, one of ordinary skill in the art at the time of the invention would have

found it obvious to combine these techniques and technologies with Rockwell and Lavin

with the motivation of effectively and efficiently storing, retrieving, and displaying various

data.

(C)   As per claim 28, Rockwell discloses a laser accident and incident registry system

comprising:

(1)   a database storing the laser accident and incident registry, said database

connected to said interface engine (Rockwell: pg. 3).

Rockwell, however, fails to expressly disclose a laser accident and incident

registry system comprising:

(2)   a controller having a browser (Lavin: abstract; col. 1, lines 52-63); and

(3)   an interface engine connected to said controller (Lavin: abstract; col. 1,

lines 52-63).

Nevertheless, these features are old and well known in the art, as evidenced by

Lavin. In particular, Lavin discloses a laser accident and incident registry system

comprising:

(2)   a controller having a browser (Lavin: abstract; col. 1, lines 52-63); and

(3)   an interface engine connected to said controller (Lavin: abstract; col. 1,

lines 52-63).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Lavin with the teachings of Rockwell with the motivation of

providing a graphical user interface to access medical files (Lavin: col. 1, lines 53-63).

Examiner has also taken Official Notice of the techniques of storing information in

a database, querying databases, displaying database information, recalling queries,

query definitions, and storing query definitions, among other techniques claimed by

Applicant, are all notoriously well known techniques within the computer arts, as are the

various technologies claimed by Applicant including the means for performing the

aforementioned techniques, browsers, servers, databases, SQL, memories, query

buttons, query engines, websites/web pages, interface engines, controllers, clients,

icons, icon libraries, templates, and networks. These techniques and technologies were

widely used and well known at the time of Applicant's invention. For example, Microsoft

Access®, Microsoft Explorer®, Google®, and Yahoo®, are all examples of applications

that incorporate these techniques and technologies.

As such, one of ordinary skill in the art at the time of the invention would have

found it obvious to combine these techniques and technologies with Rockwell and Lavin

with the motivation of effectively and efficiently storing, retrieving, and displaying various

data.

(D)   Examiner has taken Official Notice of claims 29-35. As previously mentioned,

the techniques of storing information in a database, querying databases, displaying

database information, recalling queries, query definitions, and storing query definitions,

among other techniques claimed by Applicant, are all notoriously well known techniques

within the computer arts, as are the various technologies claimed by Applicant including

the means for performing the aforementioned techniques, browsers, servers,

databases, SQL, memories, query buttons, query engines, websites/web pages,

interface engines, controllers, clients, icons, icon libraries, templates, template libraries,

and networks. These techniques and technologies were widely used and well known at

the time of Applicant's invention. For example, Microsoft Access®, Microsoft Explorer®,

Google®, and Yahoo®, are all examples of applications that incorporate these

techniques and technologies.

As such, one of ordinary skill in the art at the time of the invention would have

found it obvious to combine these techniques and technologies with Rockwell and Lavin

with the motivation of effectively and efficiently storing, retrieving, and displaying various data.

7.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell, Lavin, and Official Notice, as applied to claim 6 above, and further in view of Fernandez et al. (5,956,720; hereinafter Fernandez).

(A)   As per claim 7, Rockwell fails to expressly disclose the system according to claim 6, wherein said query means includes:

> (1)   means for storing query definitions; and
>
> (2)   means for recalling previous query definitions from said query storing
>   means.

Nevertheless, these features are old and well known in the art, as evidenced by Fernandez. In particular, Fernandez discloses the system according to claim 6, wherein said query means includes:

> (1)   means for storing query definitions (Fernandez: col. 2, lines 46-57); and
>
> (2)   means for recalling previous query definitions from said query storing
>   means (Fernandez: col. 4, lines 7-23).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Fernandez with the combined teachings of Rockwell and Lavin with the motivation of effectively and efficiently storing, retrieving, and displaying various data (Fernandez: col. 2, lines 41-45).

Examiner has also taken Official Notice of the techniques of storing information in a database, querying databases, displaying database information, recalling queries, query definitions, and storing query definitions, among other techniques claimed by Applicant, are all notoriously well known techniques within the computer arts, as are the various technologies claimed by Applicant including the means for performing the aforementioned techniques, browsers, servers, databases, SQL, memories, query buttons, query engines, websites/web pages, interface engines, controllers, clients, icons, icon libraries, templates, and networks. These techniques and technologies were widely used and well known at the time of Applicant's invention. For example, Microsoft Access®, Microsoft Explorer®, Google®, and Yahoo®, are all examples of applications that incorporate these techniques and technologies.

As such, one of ordinary skill in the art at the time of the invention would have found it obvious to combine these techniques and technologies with Rockwell, Lavin and Fernandez with the motivation of effectively and efficiently storing, retrieving, and displaying various data.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure. The cited but not applied art teaches systems and methods for

performing crawl searches and index searches (US 2002/0147880); a system for

composing a graphical interface to a relational database which displays a network of

query and source icons (5,428,776); an imaging system protocol handling method and

apparatus (6,272,469); a method and apparatus for reporting emergency incidents

(6,594,634); a computer-implemented process for reporting injured worker information

(6,065,000); and a method and apparatus for utilizing annotations to facilitate computer

retrieval of database material (5,404,295).

The cited but not applied prior art also includes non-patent literature by IDG

Books Worldwide ("Windows 95 For Dummies" Copyright1995.); IDG Books Worldwide

("Excel For Windows 95 For Dummies" Copyright 1995.); IDG Books Worldwide ("The

Internet For Dummies" Copyright 1995.); IDG Books Worldwide ("Client/Server

Computing For Dummies" Copyright 1999.); Faithe Wempen ("10 Minute Guide to

Access 97" Copyright 1995. Que Corporation.); and Frank J. Derfler, Jr. & Les Freed

("How Networks Work" Copyright 2000. Que Corporation.).

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Tomaszewski whose telephone number is

(571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

C. LUKE GILLIGAN
PATENT EXAMINER